

Message Text

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ORIGIN L-03

INFO OCT-01 ISO-00 EUR-12 NEA-10 ACDA-12 CIAE-00
INR-07 IO-13 NSAE-00 NSC-05 EB-08 NRC-05 OES-07
SOE-02 DODE-00 DOE-11 SS-15 SP-02 PM-05 /118 R

DRAFTED BY L/N:RJBETTAUER ACDA/GC:MMAZEAU:AVW
APPROVED BY L/N:RJBETTAUER
OES/NET - VADLER DOD/BTRICE
PM/NP - JNIX NRC/BURNETT
ACDA - WILLIAMS
IO/SCT - AJILLSON (INFO)
EUR/WE - DOBBINS
EUR/NE - WOODS
NEA/INS - THIBAUT
DOE - IZELL, HUDGINS

-----122402 250317Z /73

R 241842Z JAN 78
FM SECSTATE WASHDC
TO AMEMBASSY NEW DELHI
AMEMBASSY PARIS
AMEMBASSY STOCKHOLM
INFO AMCONSUL BOMBAY
AMEMBASSY OTTAWA
AMEMBASSY VIENNA

C O N F I D E N T I A L STATE 018745

VIENNA FOR USIAEA

E.O. 11652: GDS

TAGS: PARM, TECH, MNUC, ENRG

SUBJECT: CONVENTION ON PHYSICAL PROTECTION OF
NUCLEAR MATERIAL

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REFS: VIENNA 9681 (NOTAL), VIENNA 9898

1. USG IS PREPARING FOR SECOND MEETING (APRIL 10-21,
1978) ON PHYSICAL PROTECTION CONVENTION. REPORTS ON FIRST
MEETING CONTAINED REFTELS. ONE OF MOST IMPORTANT ISSUES
THAT MUST BE RESOLVED IS SCOPE OF CONVENTION, AND WE HOPE
TO MAKE SOME PROGRESS ON THIS ISSUE BEFORE NEXT MEETING.

FRANCE, SWEDEN AND INDIA WERE MOST VOCAL IN SEEKING TO LIMIT SCOPE OF CONVENTION. THIS TELEGRAM REQUESTS YOU TO APPROACH THEM ON THIS SUBJECT.

2. DRAFT CONVENTION (WHICH IS A U.S. INITIATIVE) IS INTENDED TO COVER CIVILIAN NUCLEAR MATERIAL IN USE, STORAGE, AND TRANSIT. UNDER DRAFT, PARTIES WOULD AGREE TO (A) HAVE ADEQUATE PHYSICAL PROTECTION DOMESTICALLY, (B) REQUIRE SUCH PROTECTION DURING INTERNATIONAL TRANSPORT AS A CONDITION OF IMPORT OR EXPORT, (C) ASSIST EACH OTHER IN RECOVERY OF LOST MATERIAL, AND (D) ESTABLISH OFFENSES DEALING, E.G., WITH THEFT OF NUCLEAR MATERIAL, SOME OF THE OFFENSES TO BE SUBJECT TO EXTRADITION. FRANCE, SWEDEN AND INDIA ARGUED

FOR LIMITING CONVENTION TO INTERNATIONAL TRANSPORT ONLY.

3. WE REQUEST YOU TO CONTACT APPROPRIATE HOST COUNTRY OFFICIALS TO REQUEST THEY SUPPORT BROAD SCOPE CONVENTION. YOU SHOULD MAKE FOLLOWING POINTS:

-- SINCE STOLEN NUCLEAR MATERIAL COULD BE TAKEN ACROSS STATE LINES AND USED AGAINST A STATE OTHER THAN THE ONE IN WHICH IT WAS STOLEN, IT IS IN EACH STATE'S INTEREST THAT OTHER STATES AGREE TO APPLY ADEQUATE PHYSICAL PROTECTION DOMESTICALLY.

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-- IT IS IMPORTANT TO ESTABLISH AN ASSISTANCE AND RECOVERY MECHANISM FOR ALL STOLEN CIVILIAN NUCLEAR MATERIALS WHETHER STOLEN DURING INTERNATIONAL TRANSIT OR STOLEN FROM A FACILITY IN ONE STATE AND TAKEN TO ANOTHER STATE.

-- DRAFT CONVENTION, IN DEALING WITH DOMESTIC PHYSICAL PROTECTION OBLIGATIONS, WOULD OBLIGATE EACH PARTY TO TAKE APPROPRIATE MEASURES TO PREVENT THE LOSS, THEFT, MISUSE OR DAMAGE TO NUCLEAR MATERIAL IN ITS TERRITORY OR UNDER ITS JURISDICTION OR CONTROL. IT REFERS TO INFCIRC/225/REV. 1 FOR GUIDANCE IN DESIGNING A PHYSICAL PROTECTION SYSTEM, BUT DOES NOT DICTATE SPECIFIC MEASURES TO BE TAKEN. THUS IT DOES NOT IMPINGE ON NATIONAL SOVEREIGNTY.

4. FOR PARIS AND STOCKHOLM: BOTH FRANCE AND SWEDEN SUBSCRIBE TO NUCLEAR SUPPLIER GUIDELINES. THEY HAVE THUS AGREED (A) THAT ALL NUCLEAR MATERIALS AND FACILITIES SHOULD BE PLACED UNDER EFFECTIVE PHYSICAL PROTECTION, AND (B) NOT TO EXPORT NUCLEAR MATERIALS UNLESS THE RECIPIENT COUNTRY AGREES TO SPECIFIED LEVELS OF PHYSICAL PROTECTION. POSITION TAKEN BY GOF AND GOS AT FIRST MEETING ON DRAFT

CONVENTION DOES NOT SEEM CONSISTENT WITH THE SPIRIT OF THESE COMMITMENTS. YOU SHOULD INDICATE TO GOS AND GOF THAT WE WOULD HOPE THAT THEY WOULD JOIN IN TRANSLATING THESE POLITICAL COMMITMENTS IN GUIDELINES INTO BINDING LEGAL COMMITMENTS.

5. FOR NEW DELHI: WE ARE NOT CERTAIN WHETHER INDIAN REP AT FIRST MEETING WAS UNDER INSTRUCTIONS AND THUS WHETHER HE EXPRESSED POSITION OF GOI. PERHAPS USEFUL POINT OF CONTACT WOULD BE FOREIGN MINISTRY LEGAL ADVISER DIXIT. YOU SHOULD STRESS THAT OBLIGATIONS IN CONVENTION DO NOT ENCROACH ON NATIONAL SOVEREIGNTY. YOU MAY ALSO WISH TO CONTACT SETHNA AND HIS STAFF TO STRESS USEFULNESS OF COOPERATION ON PHYSICAL PROTECTION.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MEETINGS, NUCLEAR SAFEGUARDS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE018745
Document Source: CORE
Document Unique ID: 00
Drafter: RJBETTAUER ACDA/GC:MMAZEAU:AVW
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780036-0815
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780128/aaaaaxjn.tel
Line Count: 138
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 17dfa1e0-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 VIENNA 9681, 78 VIENNA 9898
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 12 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3722011
Secure: OPEN
Status: NATIVE
Subject: CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR MATERIAL CONFIDENTIAL
TAGS: PARM, TECH, MNUC, ENRG
To: NEW DELHI PARIS MULTIPLE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/17dfa1e0-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014